

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OSVALDO CORDERO,

Plaintiff,

- against-

V.L.M., INC., et al.,

Defendant.

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ORDER ADOPTING
REPORT AND
RECOMMENDATION
10-CV-4400 (JG) (JO)

JOHN GLEESON, United States District Judge:

This matter arises from a motion by William Cafaro ("Cafaro") to withdraw as counsel for plaintiff Osvaldo Cordero ("Cordero"). The motion was referred to Magistrate James Orenstein. After Cordero failed, as directed, to appear on two occasions, Magistrate Judge Orenstein ordered Cordero to show cause as to why this action should not be dismissed for failure to prosecute. When Cordero, despite receiving an extension of time, failed to respond, Magistrate Judge Orenstein issued a report and recommendation ("R&R") recommending that the Court *sua sponte* dismiss this action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(b).

No objections have been filed. Because I agree with the reasoning and conclusion of Judge Orenstein's R&R, I adopt the R&R.¹ Accordingly, this action is dismissed, with prejudice, pursuant to Federal Rule of Civil Procedure 41(b). I direct Cafaro, Cordero's counsel of record,

¹ I note in passing that at one point on page 3 of the R&R, "Cafaro" should read "Cordero." See R&R at 3 ("Cafaro did not comply with the requirement . . ."). However, it is inconceivable that this would have any effect on Cordero's understanding of the R&R or his failure to object.

to serve a copy of this Order, as well as translation, on Cordero, and to file proof of service no later than April 14, 2011.

So ordered.

JOHN GLEESON, U.S.D.J.

Dated: April 8, 2011
Brooklyn, New York